

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FRANKIE MAY,

Plaintiff,

vs.

KRISTINA OLIVARI KRINOR, INC., *et al.*,

Defendant.

Case No. 2:07-cv-01248-RCJ-GWF

**FINDINGS AND
RECOMMENDATIONS**

On September 25, 2007, the undersigned Magistrate Judge issued Order (#2), which granted Plaintiff's application to proceed *in forma pauperis*. However, the Court dismissed Plaintiff's Complaint (#1) for failure to state a claim upon which relief can be granted, with leave to amend the complaint. Furthermore, the Court directed Plaintiff to file her amended complaint by October 25, 2007. To date, Plaintiff has failed to file her amended complaint within the allotted time period, and the time allowed has expired. Accordingly,

RECOMMENDATION

Based on the foregoing, it is the **recommendation** of the undersigned United States Magistrate Judge that the Complaint should be **dismissed** with prejudice based on Plaintiff's failure to state a claim upon which relief may be granted under Title VII of the Civil Rights Act of 1964. Plaintiff has not alleged in her facts that she was subjected to discrimination by Defendants on the basis of race, color, religion, sex, or national origin.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the

1 courts of appeal may determine that an appeal has been waived due to the failure to file objections
2 within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1)
3 failure to file objections within the specified time and (2) failure to properly address and brief the
4 objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues
5 from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*
6 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

7 DATED this 6th day of November, 2007.

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10 **GEORGE FOLEY, JR.**
11 **UNITED STATES MAGISTRATE JUDGE**
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